



San Diego City Attorney **CASEY GWINN**

MEDIA RELEASE

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OFFICER INVOLVED SHOOTING CASE RESOLVED

The City Attorney's Office today announced that the Miller family has agreed to accept \$5,000 to completely resolve their lawsuit against the City of San Diego. The City Attorney's Office believes that its investigation conclusively shows that the San Diego Police Department officers, who responded to the scene, acted appropriately. However, because of the numbers of experts which would have to be retained, including mental health specialists, it would cost the City tens of thousands of dollars to successfully defend the lawsuit. Therefore, the City offered to give the Millers \$5,000 to assist them with the funeral expenses.

On the morning of February 8, 2000, San Diego Police Department officers responded to the McDonald's on Midway drive, following reports of a man attacking several citizens with a tree branch. The tree branch, which was later recovered by the police, was almost 4 feet long. When the first officer arrived Mr. Miller was quite combative and refused to drop the tree branch. Mr. Miller told the officer, "Shoot me, shoot me" and "this is it." Several other officers arrived at the scene to assist. After they arrived, Mr. Miller suddenly charged right at several officers, with the tree branch raised over his head. When Mr. Miller was only a few feet away, three officers fired. Immediately following the shooting, several of the officers, and some witnesses, believed that the officers had been victims of "suicide by cop" by Mr. Miller.

Prior to Mr. Miller's charging of the officers, a K-9 unit arrived at the scene. Following the shooting, some witnesses were reported as stating that the dog had been released and had advanced toward Mr. Miller. However, evidence gathered at the scene afterwards conclusively showed that the K-9 officer never released the dog and that the dog had not advanced toward Mr. Miller. Further, when Mr. Miller charged at the officers, no one was approaching him from the rear, as one witness had reported.

After the receipt of the lawsuit, the City Attorney's Office conducted a thorough investigation. Statements of eye-witnesses, as well as the physical evidence and the photographs were closely reviewed. Following the investigation by the City Attorney's Office, it was determined that Mr. Miller had charged the officers; no dog had ever been released and no one was to his rear when he charged. All of the evidence gathered by the City Attorney's Office was consistent with Mr. Miller deliberately charging the officers, in a threatening manner, in order to force the officers to shoot.

The Millers' attorney, George Weingarten, and the Millers agreed to accept the City's \$5,000 offer.

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